

JS-6

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# Death Penalty

## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

FRANCIS HERNANDEZ,

Petitioner,

v.

MICHAEL MARTEL,\*  
Acting Warden, California State  
Prison at San Quentin,

Respondent.

CASE NO. CV 90-4638 RSWL

**DEATH PENALTY CASE**

JUDGMENT

**IT IS HEREBY ORDERED** that Petitioner Francis Gerard Hernandez's petition for writ of habeas corpus be **CONDITIONALLY GRANTED** and that the sentence of death in the matter of *People v. Francis Gerard Hernandez*, Case No. A-022813 in the California Superior Court for the County of Los Angeles, be **VACATED**.

**IT IS FURTHER ORDERED** that respondent shall, within 120 days of date from entry of this judgment, either grant petitioner a new penalty phase trial or vacate the death sentence and resentence petitioner in accordance with applicable California law and the United States Constitution.

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\* Michael Martel is substituted for his predecessors as Acting Warden of the California State Prison at San Quentin, pursuant to Federal Rule of Civil Procedure 25(d).

1           **IT IS FURTHER ORDERED** that the Clerk of this Court shall  
2 immediately notify the Warden of San Quentin State Prison of this Court's  
3 judgment.

4           **IT IS SO ORDERED.**

5           Dated: August 16, 2011.

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9 Ronald S. W. Lew  
10 United States District Judge  
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**NOTICE PARTY SERVICE LIST**

**Case No.** \_\_\_\_\_ **Case Title** \_\_\_\_\_

**Title of Document** \_\_\_\_\_

	ADR
	BAP (Bankruptcy Appellate Panel)
	BOP (Bureau of Prisons)
	CA St Pub Defender (Calif. State PD)
	CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
	Case Asgmt Admin (Case Assignment Administrator)
	Chief Deputy Admin
	Chief Deputy Ops
	Clerk of Court
	Death Penalty H/C (Law Clerks)
	Dep In Chg E Div
	Dep In Chg So Div
	Federal Public Defender
	Fiscal Section
	Intake Section, Criminal LA
	Intake Section, Criminal SA
	Intake Supervisor, Civil
	MDL Panel
	Ninth Circuit Court of Appeal
	PIA Clerk - Los Angeles (PIALA)
	PIA Clerk - Riverside (PIAED)
	PIA Clerk - Santa Ana (PIASA)
	PSA - Los Angeles (PSALA)
	PSA - Riverside (PSAED)
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	Schnack, Randall (CJA Supervising Attorney)
	Statistics Clerk

	US Attorneys Office - Civil Division -L.A.
	US Attorneys Office - Civil Division - S.A.
	US Attorneys Office - Criminal Division -L.A.
	US Attorneys Office - Criminal Division -S.A.
	US Bankruptcy Court
	US Marshal Service - Los Angeles (USMLA)
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	US Trustee's Office
	Warden, San Quentin State Prison, CA

	<b><i>ADD NEW NOTICE PARTY</i></b> (if sending by fax, mailing address must also be provided)
Name:	
Firm:	
Address (include suite or floor):	
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\* For CIVIL cases only

	<b><i>JUDGE / MAGISTRATE JUDGE (list below):</i></b>

Initials of Deputy Clerk \_\_\_\_\_